

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

EUGENE THEER, JEANETTE THEER,  
AND JASON THEER,

Plaintiffs,

vs.

BNSF RAILWAY COMPANY, a Foreign  
Corporation;

Defendant.

**4:15CV3148**

**AMENDED PROGRESSION  
ORDER**

After conferring with counsel,

IT IS ORDERED that the final progression order is amended as follows:

- 1) The jury trial of this case is set to commence before Richard G. Kopf, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on May 15, 2017, or as soon thereafter as the case may be called, for a duration of three (3) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on April 25, 2017 at **11:00 a.m.**, and will be conducted by internet/telephonic conferencing. Counsel shall use the conferencing instructions assigned to this case, (see Filing No. 10), to participate in the conference. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov), in either Word Perfect or Word format, by 5:00 p.m. on April 24, 2017.
- 3) Motions to compel Rule 33 through 36 discovery must be filed by December 7, 2016.  
**Note:** Motions to compel shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.
- 4) The deadline for Plaintiff's complete rebuttal expert disclosure, (for both retained, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is November 30, 2016.

- 5) The deposition deadline is January 5, 2017.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is January 26, 2017.<sup>1</sup>
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is January 26, 2017.

November 4, 2016.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge

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<sup>1</sup> To facilitate the court's review, the parties are strongly encouraged to include hyperlinks to the evidence, CM/ECF record, and all legal authorities cited within their briefs filed in support of, or in opposition to, any motions filed. See NECivR [7.1](#). For instructions, see "Hyperlinking Information" at <http://www.ned.uscourts.gov/attorney/electronic-case-filing>.